



GENERAL ASSEMBLY

COMMONWEALTH OF KENTUCKY

2006 REGULAR SESSION

HOUSE BILL NO. 442

THURSDAY, FEBRUARY 16, 2006

The following bill was reported to the Senate from the House and ordered to be printed.

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TREY GRAYSON
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY R. Soller

AN ACT relating to eggs.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1 Section 1. KRS 260.550 is amended to read as follows:

2 (1) No person shall buy, sell, trade, traffic, or process eggs in Kentucky without a
3 license issued pursuant to the egg marketing law, with the following exceptions:

4 (a) Hatcheries purchasing eggs to be used exclusively for hatching purposes;

5 (b) Hotels, restaurants, and other eating places where all eggs purchased are
6 served in the establishment;

7 (c) Bakeries, confectioneries, and ice cream manufacturers who use eggs in a
8 manufactured product;

9 (d) Consumers buying eggs for their own consumption; or

10 (e) Producers who sell only directly to consumers and do not exceed a sales limit
11 of sixty (60) dozen eggs per calendar week.

12 (2) Any person engaged in the act of selling shell eggs or egg products under any of the
13 following circumstances shall have all shell eggs and egg products placed under a
14 stop order:

15 (a) Selling or otherwise marketing shell eggs or egg products without a license;

16 (b) **Selling or otherwise marketing shell eggs or egg products without first**
17 **submitting an emergency recall plan to the department;**

18 **(c)** Failing to remit or pay fines owed to the department; or

19 **(d) [(e)]** Failing to properly label shell eggs or egg products.

20 (3) Any person natural or otherwise engaged in the act of selling shell eggs or egg
21 products that has been cited by an inspector or agent of the department for a cause
22 listed in KRS 260.640(8)(a) or (b) shall be placed under a withdraw from sale order
23 until such time as the department or an authorized agent of the department rescinds
24 the order.

25 Section 2. KRS 260.610 is amended to read as follows:

- 1 (1) All eggs bought or sold by or to retailers, consumers, and institutional users by
2 licensees shall be identified according to grade and size, using USDA standards and
3 weight classes for consumer grades.
- 4 (2) Eggs to be offered for sale for human consumption shall be handled to maintain and
5 preserve the quality and grade in which they are to be offered for sale, including but
6 not limited to, storage, transportation, temperature, and sanitation.
- 7 (3) No person shall sell, offer or expose for sale, or have in his possession for sale, for
8 human consumption, eggs that are inedible, including eggs that are unfit for human
9 food in whole or in part, addled or moldy, containing black rot, white rot, or blood
10 ring, adherent yolks, or bloody whites, incubated beyond the blood ring stage, or
11 consisting to any extent of filthy decomposed substance.
- 12 **(4) No later than June 30 of each year, all packing plants and distributors shall**
13 **submit an emergency recall plan to the department. The plan shall address**
14 **policies and procedures that will be followed in the event of a recall of eggs or egg**
15 **products pursuant to an inedible product designation, as described in subsection**
16 **(3) of this section.**

17 Section 3. KRS 260.990 is amended to read as follows:

- 18 (1) Any person who knowingly violates any of the provisions of KRS 260.040 to
19 260.120 shall, for the first offense, be fined not less than ten dollars (\$10), nor more
20 than twenty-five dollars (\$25), for the second offense, he shall be fined not less than
21 twenty-five dollars (\$25), nor more than fifty dollars (\$50), and for the third and
22 each subsequent offense, he shall be fined not less than fifty dollars (\$50), nor more
23 than two hundred dollars (\$200). Whenever a violation is with respect to a lot or
24 shipment consisting of fifty (50) or more closed packages, there may be imposed in
25 addition to the above penalties twenty-five cents (\$0.25) for the first offense, fifty
26 cents (\$0.50) for the second offense and one dollar (\$1) for each subsequent offense
27 for each package in excess of fifty (50) with respect to which the violation is

1 committed.

2 (2) Any person who violates a stop order in violation of KRS 260.550(2) shall be fined
3 one hundred dollars (\$100) for the first offense, be fined two hundred fifty dollars
4 (\$250) for the second offense, and have his or her license revoked or suspended or,
5 if the person has no license, be fined one thousand dollars (\$1,000) for each
6 subsequent offense.


7 (3) Any person who violates a withdraw from sale order in violation of KRS
8 260.550(3) shall be guilty of a Class B misdemeanor.

9 (4) Any person who violates KRS 260.600(4), involving an untimely payment of an
10 assessment fee, shall be charged a penalty of ten percent (10%) of the original
11 amount and shall be required to pay this penalty in addition to the original
12 assessment fee. The original assessment fee and penalties shall be compounded
13 by ten percent (10%) monthly until paid in full. Any assessment fee and penalties
14 remaining unpaid for three (3) successive months shall result in a license
15 revocation.

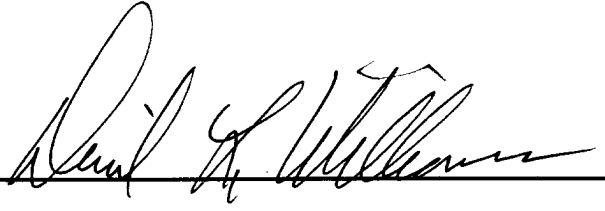
16 (5) Any person who fails to comply with subsection (4) of Section 2 of this Act shall
17 be in violation of the egg marketing law and shall be subject to license suspension
18 or revocation. In the event of a suspension or revocation, a stop order shall be
19 issued prohibiting the sale of the product. In the event that the original producer
20 or plant is not required to be licensed because of having no direct distribution in
21 the state and the product is distributed through other distribution channels, the
22 producer or plant shall have its product placed under stop order and returned to
23 the distributor. Further distribution in the state shall be prohibited until the
24 department receives an emergency recall plan from the original producer or
25 plant.

26 (6) Any person who violates any of the shell egg labeling requirements set out in
27 KRS 260.630 more than three (3) times within a calendar year shall have his


1 license revoked. During the revocation period, the person whose license has been
2 revoked shall not sell, trade, traffic, or distribute eggs within the Commonwealth.
3 A new application for consideration of reinstatement of an egg license may be
4 submitted to the board for approval during the usual license renewal period.



Speaker-House of Representatives



President of the Senate

Attest: 

Asst. Chief Clerk of House of Representatives

Approved 

Governor

Date 